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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,860	06/19/2001	Patrick Harold Davis	089339-0324	1910

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,860

Applicant(s)

DAVIS ET AL.

Examiner

Brian K. Green

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,8, and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Boshear et al. (U.S. Patent No. 5,665,938).

Boshear et al. shows in figures 1-8 a transit sign comprising a first housing (1), electronic display (14,15), and end caps (4). The first housing is considered to be “configured” to link with a second housing, i.e. a second housing could be stacked on top of the first housing. In regard to claims 1-3, Boshear et al. discloses in column 1, lines 10-15 that the sign can be used at train platforms, bust stations, etc. In regard to claim 8, Boshear et al. discloses in column 2, lines 20-25 that the first housing is an extrusion. In regard to claim 10, Boshear et al. shows in figures 1 and 2 that the housing includes upper and lower legs that have matching slots to receive the lens (2) and electronic display (14,15). In regard to claim 11, Boshear et al. shows in figure 2 an overhang (the flange of the frame adjacent the lead line for numeral 13 in figure 2) extending from the upper leg. In regard to claim 12 and 13, as broadly defined, the lower leg includes a channel that includes openings (73) for draining water and further wherein the channel which receives the lens (2) is considered to be part of the same channel that includes the openings (73), i.e. the channel extends from in front of the lens to an area just behind the hose 12. In regard to

Art Unit: 3611

claims 14 and 15, Boshear et al. shows in figure 2 that the slots are matched and retain a lens (2) and electronic display (14,15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boshear et al. (U.S. Patent No. 5,665,938).

In regard to claim 4, Boshear et al. does not disclose whether the light sources are in the form of LEDs. The use of LEDs in display signs are conventional in the art. It would have been obvious to one in the art to modify Boshear et al. by replacing the light sources with LEDs since this would reduce the amount of heat generated by the light sources, would reduce power consumption, and would allow the light sources to last for a longer time period. In regard to claim 9, Boshear et al. discloses the applicant's basic inventive concept except for the specific type of information is displayed by the electronic sign. Boshear et al. discloses in column 1, lines 10-15 that the sign can be used at train platforms, bust stations, etc. It would have been obvious to one in the art to modify Boshear et al. by making the sign display schedule, route information, or time remaining before a transit vehicle arrives since this is the type of information that is being displayed at train platforms and bus stations and further it is considered within one skilled in the art to display any type of information as desired.

Art Unit: 3611

Claims 4-7,16-18,20-22, 24-30, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boshear et al. (U.S. Patent No. 5,665,938) in view of Tucker (U.S. Patent No. 6,314,669).

In regard to claim 4, Boshear et al. does not disclose whether the light sources are in the form of LEDs. Tucker discloses in the abstract that the display includes LEDs. In view of the teachings of Tucker it would have been obvious to one in the art to modify Boshear et al. by making the light sources in the form of LEDs since this would reduce the amount of heat generated by the light sources, would reduce power consumption, and would allow the light sources to last for a longer time period. In regard to claims 5-7, Tucker shows in figures 1 or 7 the idea of combining a plurality of signs (14a,14b,14c,14d or 10,10a,10b,etc.) together. In view of the teachings of Tucker it would have been obvious to one in the art to modify Boshear et al. by interconnecting multiple housings together since this would allow a larger display to be formed and would allow any sized display to be formed by varying the number of housings attached together. In regard to claims 16-18, the bracket is considered to be casing (12) which includes a number of studs (89a) passing through the housing. In regard to claims 20-22, attachment devices (89a) and nuts (130d) secure the housing to a support that includes mounting brackets (46a). In regard to claim 22, as broadly defined, the brackets (46a) are capable of performing the function of attaching the housing to a post.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boshear et al. (U.S. Patent No. 5,665,938) in view of Tucker (U.S. Patent No. 6,314,669) as defined in claim 22 above and further in view of Potts (U.S. Patent No. 5,671,997).

Art Unit: 3611

Boshear et al. in view of Tucker disclose the applicant's basic inventive concept except for using tamper resistant screws to secure the end caps. Potts shows in figures 1 and 2 the use of tamper resistant screws (15) to secure a sign. In view of the teachings of Potts it would have been obvious to one in the art to modify Boshear et al. by using tamper resistant screws to secure the end panels since this would help to prevent unauthorized people from gaining access to the internal workings of the sign.

Claims 5-7 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boshear et al. (U.S. Patent No. 5,665,938) in view of Howard (U.S. Patent No. 5,379,540).

In regard to claims 5-7, Boshear et al. does not disclose combining several signs together. Howard shows in figures 1-7 the idea of combining a plurality of signs (12,14,16, and 18.) together. In view of the teachings of Howard it would have been obvious to one in the art to modify Boshear et al. by interconnecting multiple housings together since this would allow a larger display to be formed and would allow any sized display to be formed by varying the number of housings attached together. In regard to claims 16-19, the bracket is considered to be casing (19) and members (34) which includes a number of studs (34) which engage a number of corresponding apertures in the housing. In regard to claim 19, the members (34) have tabs (36) which engage respective grooves (26) in the housing in order to interconnect the housings together.

Claims 20-22,27,28,32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boshear et al. (U.S. Patent No. 5,665,938) in view of Dahl (U.S. Patent No. 4,753,027).

Boshear et al. discloses the applicant's basic inventive concept except for using a plurality of attachment devices to secure the housing to a signpost. Dahl shows in figure 2 the idea of using a plurality of attachment devices (22) to secure a sign to a signpost. In view of the teachings of Dahl it would have been obvious to one in the art to modify Boshear et al. by providing a plurality of attachment devices since this would allow the sign housing to be easily and securely attached to a post which would enable the sign to be seen in a better manner. In regard to claim 21, Dahl does not disclose whether a nut is attached to the end of the screws. It would have been obvious to one in the art to attach a nut to each of the screws since this would allow the sign housing to be attached to the post in a more secure manner.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boshear et al. (U.S. Patent No. 5,665,938) in view of Dahl (U.S. Patent No. 4,753,027) as applied to claim 22 above and further in view of Potts (U.S. Patent No. 5,671,997).

Boshear et al. in view of Dahl disclose the applicant's basic inventive concept except for using tamper resistant screws to secure the end caps. Potts shows in figures 1 and 2 the use of tamper resistant screws (15) to secure a sign. In view of the teachings of Potts it would have been obvious to one in the art to modify Boshear et al. by using tamper resistant screws to secure the end panels since this would help to prevent unauthorized people from gaining access to the internal workings of the sign.

Art Unit: 3611

Claims 24-26,29-31,33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boshear et al. (U.S. Patent No. 5,665,938) in view of Dahl (U.S. Patent No. 4,753,027) as applied to claims 22 and 32 above and further in view of Howard (U.S. Patent No. 5,379,540).

Boshear et al. does not disclose the idea of attaching a plurality of sign housing together. Howard shows in figures 1-7 the idea of combining a plurality of signs (12,14,16, and 18.) together. In view of the teachings of Howard it would have been obvious to one in the art to modify Boshear et al. by interconnecting multiple housings together since this would allow a larger display to be formed and would allow any sized display to be formed by varying the number of housings attached together. In regard to claims 129-31, the bracket is considered to be casing (19) and members (34) which includes a number of studs (34) which engage a number of corresponding apertures in the housing. In regard to claim 29, the members (34) have tabs (36) which engage respective grooves (26) in the housing in order to interconnect the housings together.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arnold, Romney, Hedenstrom et al., Thelen, and Grill et al. teach the use of multiple signs attached together.

Art Unit: 3611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
10/1/03